

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

**ADAM FRIED, ADMINISTRATOR,  
ESTATE OF DESMOND FRANKLIN,**

Plaintiff,

vs.

**JOSE GARCIA,**

Defendant.

) CASE NO.: 1:22-CV-00061  
)  
) JUDGE DAN AARON POLSTER  
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)  
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**DECLARATION OF DAVID F. LOOMIS**

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Pursuant to 28 U.S.C. § 1746, I hereby certify under the penalty of perjury the following is true and correct:

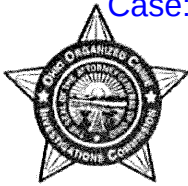
1. My name is David F. Loomis. I have personal knowledge of all facts contained herein.
2. I am the Senior Forensic Analyst for the Ohio Attorney General, the Ohio Organized Crime Investigation Commission. I have served in this capacity since March of 2019. I have also served as the Forensic Audio/Video Analyst for the Ohio Organized Crime Investigations Commission from August 2014 until March 2019.
3. On September 16, 2020, I received a thumb drive containing multiple videos for purposes of forensic video analysis from the Cuyahoga County Sheriff's Office, Detective Joseph Goudy. The contents of the materials received, the chain of custody and the scope and detailed description of forensic video analysis I performed are documented in the materials attached hereto as Exhibits

1 - 3, containing the Evidence Submission Form, dated 09/16/2020 (Exhibit 1), Chain of Custody report, dated 11/05/2020 (Exhibit 2), and Forensic Video Analysis, dated 11/04/2020 (Exhibit 3). These records are true and accurate copies of the official records of the Ohio Organized Crime Investigations Commission, kept in the regular course and scope of the Commission's business and reflect the Commission's regularly conducted activity.

4. Attached hereto as Exhibit 4 is a true, complete and accurate digital copy of the multi-camera video timeline presentation I created from the videos provided by the Cuyahoga County Sheriff's Department, as described in more detail in my Forensic Video Analysis, Exhibit 3. I did not alter the actual substance of the videos but merely compiled them into a multi-camera timeline presentation and added spotlight effects to highlight regions of interest and a title slate.

I declare under penalty of perjury that the foregoing is true and accurate. Executed on the 10<sup>th</sup> day of January, 2024.

  
David F. Loomis



**Ohio Organized Crime  
Investigations Commission**

Submission Date	Priority Code	Due Date
09/16/2020		
OOCIC Case Number	Shelf Location	
20-00109		
(OOIC Evidence Tech will complete this section) Refer to OCIC Submission Number for Inquires		

**Evidence Submission Form**

<u>Submitting Agency (or OOCIC Task Force Number)</u> Cuyahoga County Sheriff's Office		<u>Case Investigator Name:</u> Det. Joe Goudy	<u>Submitting Investigator:</u> Det. Joe Goudy
<u>County:</u> Cuyahoga		<u>Agency Case Number:</u> 20014222	<u>Court Date:</u>
<u>Telephone Number:</u>	<u>Cell Phone Number</u>	<u>FAX Number:</u>	
<u>Mailing Address:</u> 1215 W. 3rd St. Cleveland, OH 44113		<u>E-Mail Address:</u>	

Submitted Items: (OOIC Evidence Tech will complete this section)

Item #	Description	Make	Model	Lot Number
1	Flash Drive/Jump Drive/Thumb Drive Black Verbatim USB Drive			
W.P. 1.1	Data CD 3 CDs,			

Requested Services: (Check all that apply)

Video Analysis	Video Duplication	Digital Photographs	Audio Analysis	Audio Duplication	Audio Reconst./Repair	Video Reconst./Repair	Audio Redaction	Video Redaction

Subject Information: (Complete as much as possible)

<u>Offense:</u> No Case Type Entered	<u>Date of Offense:</u>	<u>Location : (City, County)</u>
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Additional information: (Data from Time Date Generator / Type of System / Court Date / Special Instructions. etc.)

**EXHIBIT**  
**1**

Submitted By:

Det. Joe Goudy

Evidence Tech:



## Ohio Organized Crime Investigations Commission

P.O. Box 968

Grove City, OH 43123

Telephone: (614) 277-1000

Facsimile: (614) 277-1010

## Chain of Custody Report

Lab Case 20-00109  
 Department Name: Cuyahoga County Sheriff's Office  
 Incident Number 20014222

Item # 1 Description : Flash Drive/Jump Drive/Thumb Drive Black Verbatim USB Drive

<u>Date</u>	<u>Time</u>	<u>Custody Of</u>	<u>Location / Person</u>	<u>Transaction By</u>
09/16/2020	11:10	Analyst	David F. Loomis	Nissa Low
09/17/2020	9:58	Clerical/Evidence	Nissa Low	Nissa Low
09/17/2020	10:21	Analyst	David F. Loomis	Nissa Low
10/22/2020	11:07	Clerical/Evidence	Nissa Low	Nissa Low
10/22/2020	11:07	Evidence Disposal	Returned to Department	Nissa Low

Item # W.P. 1.1 Description : Data CD 3 CDs.

<u>Date</u>	<u>Time</u>	<u>Custody Of</u>	<u>Location / Person</u>	<u>Transaction By</u>
10/22/2020	11:00	Analyst	David F. Loomis	Nissa Low
10/22/2020	11:07	Clerical/Evidence	Nissa Low	Nissa Low
10/22/2020	11:07	Evidence Disposal	Returned to Department	Nissa Low

EXHIBIT

2



Ohio Organized Crime Investigations Commission  
Forensic Video Analysis

Written November 4<sup>th</sup>, 2020

To: Cuyahoga County Sheriff's Office      OCIC Case Number: 20-00109  
 Det. Joe Goudy  
 1215 W. 3rd St.  
 Cleveland, OH 44113

Agency Case Number: 20014222

Type of Offense: No Case Type Entered

Location of Offense:

On September 16<sup>th</sup>, 2020, Detective Joseph Goudy of the Cuyahoga County Sheriff's Office submitted one thumb drive for the purpose of forensic video analysis. Detective Goudy requested a video presentation be created from video contained on the thumb drive. The item submitted will be referred to as ITEM ONE throughout the body of this report. The process, as it pertains to this case, is as follows:

- Inspect ITEM ONE to ascertain that no physical damage exists
- Generate and save a working copy of the contents of ITEM ONE
- Convert proprietary video files to a universal format for processing
- Utilize software to create a video timeline presentation
- Produce a data CD of video timeline presentation

On September 16<sup>th</sup>, 2020, Senior Analyst David Loomis received custody of ITEM ONE. ITEM ONE was a Verbatim 32GB thumb drive with no label. ITEM ONE was inspected for damage and no damage was found. The contents of ITEM ONE were copied and verified via SHA56 hash using Quick Hash 3.0.4.

ITEM ONE contained six folders, each containing video files. The folder "Cemetery Cam" contained ten proprietary .dav video files with a display resolution of 960 pixels by 480 pixels using the h264 video codec:

DV908\_ch1\_main\_20200409130000\_20200409133000.dav  
 DV908\_ch1\_main\_20200409133000\_20200409140000.dav  
 DV908\_ch1\_main\_20200409140000\_20200409142142.dav  
 DV908\_ch1\_main\_20200409142142\_20200409142150.dav  
 DV908\_ch1\_main\_20200409142150\_20200409144600.dav  
 DV908\_ch1\_main\_20200409144600\_20200409144619.dav  
 DV908\_ch1\_main\_20200409144619\_20200409145618.dav  
 DV908\_ch1\_main\_20200409145618\_20200409145630.dav  
 DV908\_ch1\_main\_20200409145630\_20200409150326.dav  
 DV908\_ch1\_main\_20200409150326\_20200409150340.dav

**EXHIBIT**  
**3**



Ohio Organized Crime Investigations Commission  
Forensic Video Analysis

Written November 4<sup>th</sup>, 2020

The folder "Convenient Food Mart (Forestdale)" contained three proprietary .dat video files with a display resolution of 352 pixels by 480 pixels using an unknown video codec:

00000000.dat  
00000001.dat  
00000002.dat

The folder "Kotecki Memorials" contained one-hundred and two .asf video files with a display resolution of 2560 pixels by 1440 pixels using the h264 video codec:

AMDV4M8\_ch8\_main\_20200409134000\_20200409134032.asf  
AMDV4M8\_ch8\_main\_20200409134032\_20200409134058.asf  
AMDV4M8\_ch8\_main\_20200409134058\_20200409134135.asf  
AMDV4M8\_ch8\_main\_20200409134135\_20200409134152.asf  
AMDV4M8\_ch8\_main\_20200409134152\_20200409134222.asf  
AMDV4M8\_ch8\_main\_20200409134222\_20200409134223.asf  
AMDV4M8\_ch8\_main\_20200409134223\_20200409134311.asf  
AMDV4M8\_ch8\_main\_20200409134311\_20200409134314.asf  
AMDV4M8\_ch8\_main\_20200409134314\_20200409134357.asf  
AMDV4M8\_ch8\_main\_20200409134357\_20200409134402.asf  
AMDV4M8\_ch8\_main\_20200409134402\_20200409134423.asf  
AMDV4M8\_ch8\_main\_20200409134423\_20200409134428.asf  
AMDV4M8\_ch8\_main\_20200409134428\_20200409134443.asf  
AMDV4M8\_ch8\_main\_20200409134444\_20200409134508.asf  
AMDV4M8\_ch8\_main\_20200409134508\_20200409134522.asf  
AMDV4M8\_ch8\_main\_20200409134522\_20200409134531.asf  
AMDV4M8\_ch8\_main\_20200409134531\_20200409134546.asf  
AMDV4M8\_ch8\_main\_20200409134546\_20200409134547.asf  
AMDV4M8\_ch8\_main\_20200409134547\_20200409134602.asf  
AMDV4M8\_ch8\_main\_20200409134602\_20200409134640.asf  
AMDV4M8\_ch8\_main\_20200409134640\_20200409134655.asf  
AMDV4M8\_ch8\_main\_20200409134656\_20200409134710.asf  
AMDV4M8\_ch8\_main\_20200409134710\_20200409134731.asf  
AMDV4M8\_ch8\_main\_20200409134731\_20200409134735.asf  
AMDV4M8\_ch8\_main\_20200409134735\_20200409134758.asf  
AMDV4M8\_ch8\_main\_20200409134758\_20200409134818.asf  
AMDV4M8\_CH8\_MAIN\_20200409134818\_20200409134843.asf  
AMDV4M8\_ch8\_main\_20200409134843\_20200409134902.asf  
AMDV4M8\_ch8\_main\_20200409134902\_20200409134917.asf  
AMDV4M8\_ch8\_main\_20200409134917\_20200409134928.asf  
AMDV4M8\_ch8\_main\_20200409134928\_20200409134952.asf  
AMDV4M8\_ch8\_main\_20200409134952\_20200409135019.asf





Ohio Organized Crime Investigations Commission  
Forensic Video Analysis

Written November 4<sup>th</sup>, 2020

AMDV4M8\_ch8\_main\_20200409135019\_20200409135051.asf  
AMDV4M8\_ch8\_main\_20200409135051\_20200409135054.asf  
AMDV4M8\_ch8\_main\_20200409135054\_20200409135142.asf  
AMDV4M8\_ch8\_main\_20200409135142\_20200409135150.asf  
AMDV4M8\_ch8\_main\_20200409135150\_20200409135204.asf  
AMDV4M8\_ch8\_main\_20200409135204\_20200409135220.asf  
AMDV4M8\_ch8\_main\_20200409135220\_20200409135250.asf  
AMDV4M8\_ch8\_main\_20200409135250\_20200409135459.asf  
AMDV4M8\_ch8\_main\_20200409135459\_20200409135515.asf  
AMDV4M8\_ch8\_main\_20200409135515\_20200409135535.asf  
AMDV4M8\_ch8\_main\_20200409135535\_20200409135551.asf  
AMDV4M8\_ch8\_main\_20200409135551\_20200409135612.asf  
AMDV4M8\_ch8\_main\_20200409135612\_20200409135637.asf  
AMDV4M8\_ch8\_main\_20200409135637\_20200409135649.asf  
AMDV4M8\_ch8\_main\_20200409135649\_20200409135710.asf  
AMDV4M8\_ch8\_main\_20200409135710\_20200409135737.asf  
AMDV4M8\_ch8\_main\_20200409135737\_20200409135753.asf  
AMDV4M8\_ch8\_main\_20200409135753\_20200409135922.asf  
AMDV4M8\_ch8\_main\_20200409135922\_20200409135945.asf  
AMDV4M8\_ch8\_main\_20200409135945\_20200409135959.asf  
AMDV4M8\_ch8\_main\_20200409135959\_20200409140015.asf  
AMDV4M8\_ch8\_main\_20200409140015\_20200409140015.asf  
AMDV4M8\_ch8\_main\_20200409140015\_20200409140031.asf  
AMDV4M8\_ch8\_main\_20200409140031\_20200409140051.asf  
AMDV4M8\_ch8\_main\_20200409140051\_20200409140107.asf  
AMDV4M8\_ch8\_main\_20200409140107\_20200409140227.asf  
AMDV4M8\_ch8\_main\_20200409140227\_20200409140338.asf  
AMDV4M8\_ch8\_main\_20200409140338\_20200409140345.asf  
AMDV4M8\_ch8\_main\_20200409140345\_20200409140406.asf  
AMDV4M8\_ch8\_main\_20200409140406\_20200409140440.asf  
AMDV4M8\_ch8\_main\_20200409140440\_20200409140537.asf  
AMDV4M8\_ch8\_main\_20200409140537\_20200409140617.asf  
AMDV4M8\_ch8\_main\_20200409140617\_20200409140632.asf  
AMDV4M8\_ch8\_main\_20200409140632\_20200409140646.asf  
AMDV4M8\_ch8\_main\_20200409140646\_20200409140701.asf  
AMDV4M8\_ch8\_main\_20200409140701\_20200409140713.asf  
AMDV4M8\_ch8\_main\_20200409140713\_20200409140736.asf  
AMDV4M8\_ch8\_main\_20200409140736\_20200409140803.asf  
AMDV4M8\_ch8\_main\_20200409140803\_20200409140831.asf  
AMDV4M8\_ch8\_main\_20200409140831\_20200409140855.asf  
AMDV4M8\_ch8\_main\_20200409140855\_20200409140912.asf  
AMDV4M8\_ch8\_main\_20200409140912\_20200409140941.asf



Ohio Organized Crime Investigations Commission  
Forensic Video Analysis

Written November 4<sup>th</sup>, 2020

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AMDV4M8\_ch8\_main\_20200409140941\_20200409140955.asf  
AMDV4M8\_ch8\_main\_20200409140955\_20200409141055.asf  
AMDV4M8\_ch8\_main\_20200409141055\_20200409141117.asf  
AMDV4M8\_ch8\_main\_20200409141117\_20200409141921.asf  
AMDV4M8\_ch8\_main\_20200409141921\_20200409141953.asf  
AMDV4M8\_ch8\_main\_20200409141953\_20200409142039.asf  
AMDV4M8\_ch8\_main\_20200409142039\_20200409142057.asf  
AMDV4M8\_ch8\_main\_20200409142057\_20200409142100.asf  
AMDV4M8\_ch8\_main\_20200409142100\_20200409142130.asf  
AMDV4M8\_ch8\_main\_20200409142130\_20200409144106.asf  
AMDV4M8\_ch8\_main\_20200409144106\_20200409144121.asf  
AMDV4M8\_ch8\_main\_20200409144121\_20200409144137.asf  
AMDV4M8\_ch8\_main\_20200409144137\_20200409144247.asf  
AMDV4M8\_ch8\_main\_20200409144247\_20200409144254.asf  
AMDV4M8\_ch8\_main\_20200409144254\_20200409144314.asf  
AMDV4M8\_ch8\_main\_20200409144314\_20200409144339.asf  
AMDV4M8\_ch8\_main\_20200409144339\_20200409144427.asf  
AMDV4M8\_ch8\_main\_20200409144427\_20200409144427.asf  
AMDV4M8\_ch8\_main\_20200409144427\_20200409144524.asf  
AMDV4M8\_ch8\_main\_20200409144524\_20200409145611.asf  
AMDV4M8\_ch8\_main\_20200409145611\_20200409145721.asf  
AMDV4M8\_ch8\_main\_20200409145721\_20200409145832.asf  
AMDV4M8\_ch8\_main\_20200409145832\_20200409145858.asf  
AMDV4M8\_ch8\_main\_20200409145858\_20200409145911.asf  
AMDV4M8\_ch8\_main\_20200409145911\_20200409145934.asf  
AMDV4M8\_ch8\_main\_20200409145934\_20200409150017.asf  
AMDV4M8\_ch8\_main\_20200409150017\_20200409150033.asf  
AMDV4M8\_ch8\_main\_20200409150033\_20200409150054.asf

The folder "Library Cam" contained one .mov video file with a display resolution of 1280 pixels by 960 pixels using the h264 video codec:

4-9-2020 Brooklyn branch exterior.mov

The folder "Repair shop cameras" contained twenty-two .mp4 video files with a display resolution of 1920 pixels by 1080 pixels using the h264 video codec:

ch23\_20200409140003.mp4  
ch23\_20200409140020.mp4  
ch23\_20200409140129.mp4  
ch23\_20200409140208.mp4  
ch23\_20200409141632.mp4





Ohio Organized Crime Investigations Commission  
Forensic Video Analysis

Written November 4<sup>th</sup>, 2020

ch23\_20200409141947.mp4  
 ch23\_20200409143125.mp4  
 ch23\_20200409144112.mp4  
 ch23\_20200409144301.mp4  
 ch23\_20200409144410.mp4  
 ch23\_20200409144426.mp4  
 ch23\_20200409144552.mp4  
 ch23\_20200409145024.mp4  
 ch23\_20200409145229.mp4  
 ch23\_20200409145445.mp4  
 ch23\_20200409145720.mp4  
 ch23\_20200409145951.mp4  
 ch23\_20200409150042.mp4  
 ch23\_20200409150115.mp4  
 ch23\_20200409150230.mp4  
 ch27\_20200409134723.mp4  
 D07\_20200409141632\_001.mp4

The folder "Smoke shop" contained sixteen proprietary .dav video files with the following display resolutions using the h264 video codec:

NVR_ch9_main_20200409130029_20200409140000.dav	3840 x 2160
NVR_ch9_main_20200409140000_20200409142023.dav	3840 x 2160
DV908_ch1_main_20200409130000_20200409133000.dav	960 x 480
DV908_ch1_main_20200409133000_20200409140000.dav	960 x 480
DV908_ch1_main_20200409140000_20200409142142.dav	960 x 480
DV908_ch1_main_20200409142142_20200409142150.dav	960 x 480
DV908_ch1_main_20200409142150_20200409144600.dav	960 x 480
DV908_ch1_main_20200409144600_20200409144619.dav	960 x 480
DV908_ch1_main_20200409144619_20200409145618.dav	960 x 480
DV908_ch1_main_20200409145618_20200409145630.dav	960 x 480
DV908_ch1_main_20200409145630_20200409150326.dav	960 x 480
DV908_ch1_main_20200409150326_20200409150340.dav	960 x 480
NVR_ch4_main_20200409130006_20200409140000.dav	3840 x 2160
NVR_ch4_main_20200409130505_20200409140000.dav	3840 x 2160
NVR_ch8_main_20200409130137_20200409140000.dav	3840 x 2160
NVR_ch8_main_20200409140000_20200409141441.dav	3840 x 2160

The proprietary video files from ITEM ONE were converted to universal .mp4 video files for processing using the iNput Ace 2.6.0 forensic video analysis and conversion software.



Ohio Organized Crime Investigations Commission  
Forensic Video Analysis

Written November 4<sup>th</sup>, 2020

The video files from ITEM ONE were brought into the Adobe Premiere CC 2020 video analysis software for review and the creation of a video timeline. A new timeline was created and the video files were synchronized based upon the date/time stamps and visual cues. The video files were edited to the scope of events described by Detective Goudy.

The Premiere video timeline was brought into the Adobe After Effects CC 2020 video analysis and compositing software for the creation of the video presentation. A multi-camera presentation was created. Spotlight effects were added to highlight regions of interest. A title slate was added, and the video presentation was rendered out as a universal .mp4 video file for demonstrative purposes.

The video presentation was placed onto a data CD. A total of three copies of the CD were created.

On October 22<sup>nd</sup>, 2020, the three CDs were returned to the evidence room, along with ITEM ONE. Detective Joseph Goudy of the Cuyahoga County Sheriff's Office was notified that his submission was complete and being returned via FedEx.

A handwritten signature in black ink that reads "David F. Loomis".

David F. Loomis  
Senior Forensic Analyst  
614-277-1000  
David.Loomis@ohioattorneygeneral.gov



A handwritten signature in black ink that reads "Matt Hilbert".

Matt S. Hilbert  
Supervisor Approval

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

ADAM FRIED, ADMINISTRATOR,  
ESTATE OF DESMOND FRANKLIN,

Plaintiff,

vs.

JOSE GARCIA,

Defendant.

) CASE NO.: 1:22-CV-00061

)

) JUDGE DAN AARON POLSTER

)

)

)

) CORRECTED NOTICE OF MANUAL

) FILING OF EXHIBIT G-4 OF

) DEFENDANT'S MOTION FOR SUMMARY

) JUDGMENT

Defendant, JOSE GARCIA, hereby notifies this Honorable Court that the following was manually filed as an exhibit to his Motion for Summary Judgment:

- Exhibit G-4, thumb drive containing video compilation, attached to the Declaration of David Loomis.

This video was not filed electronically because the format and/or electronic file size could not be converted to a format and/or size accepted by CM/ECF.

**EXHIBIT**

**4**

Respectfully submitted,

MARK D. GRIFFIN (0064141)  
Director of Law

By: /s/ Affan Ali  
Elena N. Boop (0072907)  
Chief Trial Counsel  
James R. Russell, Jr. (0075499)  
Chief Assistant Director of Law  
Affan Ali (0085698)  
Assistant Director of Law  
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Aali2@clevelandohio.gov  
*Attorneys for Jose Garcia*

**CERTIFICATE OF SERVICE**

The undersigned certifies the above document was filed on 31st day of January, 2024. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access the filing through the Court's filing system.

/s/ Affan Ali  
Affan Ali (0085698)  
*One of the attorneys for Defendant*